

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

LINDA CULPEPPER

Director



May 20, 2019

CERTIFIED MAIL RETURN RECEIPT REQUESTED

7017 1070 0000 1776 0312

Robert D Williamson
American Zinc Products LLC
484 Hicks Grove Rd
Mooresboro, NC 28114

SUBJECT: NOTICE OF VIOLATION
NOV-2019-DV-0219
NCGS 143-215.1(a) and Title 15A NCAC 02B .0211(14)
American Zinc Products, LLC
NPDES WW Permit No. NC0089109
Rutherford County, N.C.

Dear Mr. Williamson:

Chapter 143, North Carolina General Statutes (NCGS), directs and authorizes the Environmental Management Commission (EMC) of the Department of Environmental Quality (DEQ) to protect and preserve the water and air resources of the State. The Division of Water Resources (DWR) has the delegated authority to enforce water pollution control laws and regulations. During site visits on April 29th and May 11th, low pH effluent was discharging to the receiving surface waters of the Broad River, a Class C stream (index (9)-(36.5).

VIOLATION 1:

Failure to secure a permit for a waste disposal system per: NCGS 143-215.1(a) Activities for Which Permits Required – Except as provided in subsection (a6) of this section, no person shall do any of the following things or carry out any of the following activities unless that person has received a permit from the Commission and has complied with all conditions set forth in the permit:

- (1) Make any outlets into waters of the State; and,
- (6) Cause or permit any waste, directly or indirectly, to be discharged to or in any manner intermixed with the waters of the State in violation of the water quality standards applicable to the assigned classifications or in violation of any effluent standards or limitations established for any point source, unless allowed as a condition of any permit, special order or other appropriate instrument issued or entered into by the Commission under the provisions of this Article.

VIOLATION 2:

Violation of Title 15A NCAC 02B .0211(14): A pH of 3.2 pH units was measured by DWR staff in the Broad River (9-(36.5), a Class C stream. The measurement was made in the river at the outfall on May 11th. Title 15A NCAC 02B .0211(14) states that pH shall be normal for the waters in the area, which range between 6.0 and 9.0 pH units.

Required Corrective action for Violations:

Cease the illegal discharge of non-permitted effluent to the Broad River by ensuring that the existing gate valve operates correctly to prohibit any discharge of effluent otherwise not allowed pursuant to your stormwater permit.

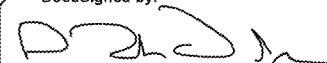
You are required to provide a summary of all actions taken since the initiation of the fire on April 28, 2019. Your response shall include:

1. An explanation of how the gate valve leaked effluent into the Broad River;
2. Provide DWR with records of the weekly testing initiated at the inlet and outlet of Basin 1 that included field testing for pH (per October 9, 2015 correspondence from Horsehead Metal Products, Inc. to DWR in response to NOV-2015-DV-0188);
3. What practices does AZP currently use to monitoring pH in the stormwater ponds and outfall?
4. Provide a schedule of all discharges from the subject basin outfall occurring since April 28th including volume estimates of the discharge, duration of event, start time, end time, water quality testing, etc.;
5. Provide a summary of all available analytical data collected in relation to any discharge event beginning April 28th and continuing through at least May 11th;
6. Provide documentation indicating how the decision to release effluent into the Broad River on or about May 11th. Please include any calculations, measurement of freeboard, precipitation data, etc. used in the determination to discharge to the Broad River; and,
7. Provide a narrative describing how the liquid material from the stormwater basins will be disposed of.

This office requires that the violations, as detailed above, be abated immediately. Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to \$25,000.00 per day for each violation. Your response should be received by this office no later than 15 days upon your receipt of this Notice.

If you should have any questions, please do not hesitate contact me at 828-296-4680.

Sincerely,

DocuSigned by:

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G. Landon Davidson, P.G.
Regional Supervisor - Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

EC: LF
ARO DEMLR
DWM – J.Menzell
AZP - Spearman

